

ID # (assigned by CSG): **08-M-31SD**

State: **South Dakota**

Assign Program Category: Public Safety

The South Dakota 24/7 Sobriety Program impacts multiple categories. A list of affected program categories is provided below.

Health & Human Services

- Children & Families
- Human Services

Public Safety/Corrections

- Corrections
- Courts
- Criminal Justice
- Drugs
- Public Safety

1) Program Name:

South Dakota 24/7 Sobriety Program

2) Administering Agency

Office of the Attorney General

In collaboration with the

- Department of Social Services,
- Department of Human Services,
- Department of Corrections
- Unified Judicial System
- Department of Public Safety

3) Contact Person (Name and Title)

Larry Long, Attorney General

4) Address: G.S Mickelson Criminal Justice Center
1302 E. Hwy 14, Pierre, SD 57501

5) Telephone Number: (605) 773-3215

6) FAX Number: (605) 773-4629

7) E-mail Address: Larry.Long@state.sd.us

8) Web site Address: <http://www.state.sd.us/attorney/DUI247/index.htm>

9) Please provide a two-sentence description of the program.

The South Dakota 24/7 Sobriety Program is designed to provide a mechanism to ensure sobriety of chronic DUI offenders enhancing public safety while allowing the offender to remain in the community with their families and continuing their employment. Program participants are required to appear twice a day at testing locations and complete a breathalyzer test, wear an electronic alcohol monitoring device, wear a drug detection patch, or take UA tests.

10) How long has this program been operational (month and year)? Note: the program must be between 9 months and 5 years old on March 1, 2008 to be considered.

January 2005

11) Why was the program created? What problem[s] or issue[s] was it designed to address?

The 24/7 Sobriety Program was developed as a mechanism to deal with chronic DUI offenders. South Dakota has one of the nation's highest rates of multiple DUI offenders per capita. The 24/7 Sobriety program allows offenders to remain in the community with their families and continuing their employment while ensuring the safety of the community. Program participants are required to appear and be tested for alcohol twice a day and subject to random urinary analysis testing. In the event of a positive test, participants are taken to jail immediately. In the event that a participant skips or misses a scheduled testing time, a warrant for the participants arrest is issued. Thus the program is assuring chronic DUI offenders remain sober and are not a risk to the community by driving under the influence of alcohol and the program reduces jail and prison costs by allowing the offender to remain in the community.

12) Describe the specific activities and operations of the program in chronological order.

- a. The program was spurred on by the findings of the Corrections Study identifying a large percentage of prison inmates as being incarcerated for multiple DUI offenses.
- b. The Attorney General's Office approached the Department of Public Safety about utilizing National Highway Transportation Safety Administration (NHTSA) grant dollars to support a pilot project. A grant application was developed and supported through NHTSA funding to the Office of Highway Safety in the Department of Public Safety.
- c. Rules and Statutes were then drafted to aid in the legal operation of the program.
- d. Legislative approval of the program was sought and obtained.
- e. Local jurisdictions and participating agencies were recruited to implement the program in an initial pilot phase.

- f. After success of the pilot, 24/7 Legislation was adopted to expand the program to a statewide program.
- g. A data and statistical evaluation component was added through the use of NHTSA funding to examine the efficacy of the approach and to link to statewide DUI program data tracking.

13) Why is the program a new and creative approach or method?

The South Dakota 24/7 Sobriety Program is a unique approach to individuals with multiple DUI offenses. By requiring sobriety and monitoring sobriety 24/7, the program is assuring individual sobriety and enhancing the safety of the public by assuring individuals with a history of multiple DUI offenses are sober and not a risk for driving while under the influence of alcohol. In addition, the initial round of follow up survey of program participants indicate a portion of program participants felt the program helped them gain control over their alcohol use, improved their family functioning, and maintained or increased their employment situation.

An additional innovative feature of the program is that program participants are required, as part of the legal process, to pay for their participation in the program. Thus the costs of the daily testing and other monitoring are borne by the defendant/program participant with no additional costs to the taxpayer. This approach saves millions of dollars in incarceration costs for counties and local jurisdictions.

14) What were the program's start-up costs? (Provide details about specific purchases for this program, staffing needs and other financial expenditures, as well as existing materials, technology and staff already in place.)

The initial start-up costs for the program were primarily associated with the costs of purchasing the testing equipment and training the staff of the local jurisdictions on using the equipment and loading the results into the programs web based information management system.

15) What are the program's annual operational costs?

The program has evolved to the point that the bulk of program costs are supported by the offender.

16) How is the program funded?

The program was supported initially by the Attorney General's Office and funding support for equipment from the Office of Highway Safety. Program participants are also required to pay a fee to support the expenses associated with daily testing. The participant fees are used to support additional staff time in local jurisdictions and for necessary supplies associated with ongoing testing and monitoring (breathalyzer test, electronic monitoring, UA tests, and drug patch tests).

17) Did this program require the passage of legislation, executive order or regulations? If YES, please indicate the citation number.

SDCL 1-11-17 through 1-11-25.
SDCL 32-23-23.

18) What equipment, technology and software are used to operate and administer this program?

The program requires local testing sites to have PBT testing equipment available for testing program.

A web based data management system has been developed to help manage and track program participant test results and to aid in monitoring testing for individuals at more than one test location. The central data set helps track program outcomes across all sites as well as for the tracking of individuals that may move from one location to another.

19) To the best of your knowledge, did this program originate in your state? If YES, please indicate the innovator's name, present address, telephone number and e-mail address.

Yes, it is believed that South Dakota is the first state to implement such an approach on a large scale.

20) Are you aware of similar programs in other states? If YES, which ones and how does this program differ?

Other states are now beginning to implement the program and have sought technical assistance from South Dakota. States at various stages of implementation are listed below.

- North Dakota has recently implemented a law to adopt the program statewide
- Nebraska has introduced a bill to develop a similar program
- New York has introduced a bill to develop a similar program
- North Carolina's Governor has recently signed a law for a similar program

21) Has the program been fully implemented? If NO, what actions remain to be taken?

As of December 2007, 55 of 66 counties are participating in the program. Challenges to implement the program in the remaining counties are due to lack of local resources needed to implement the program.

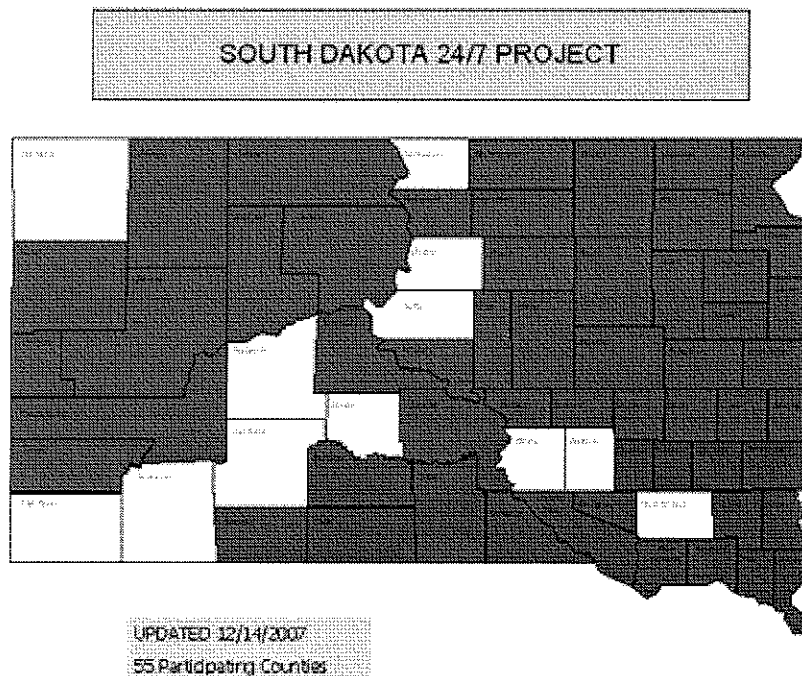
22) Briefly evaluate (pro and con) the program’s effectiveness in addressing the defined problem[s] or issue[s]. Provide tangible examples.

As of December of 2007, program statistics indicate that program participants have passed 99.3% of all test. As of the end of 2007, 5,975 individuals have participated in the program completing 851,030 PBT tests. There were 4,547 failed tests and 1,761 “no shows”.

An additional way of considering the impact of the program is to calculate the number of days program participants were sober and not driving under the influence of alcohol and risking the safety of the public. Since there were 844,722 passed tests, this equates to over 422,000 days in which individuals on the program were sober and not driving under the influence of alcohol.

23) How has the program grown and/or changed since its inception?

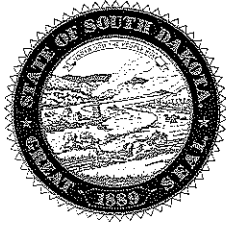
The South Dakota 24/7 Sobriety Program started as a pilot program in January 2005 and grew in the initial expansion to include 14 counties. Throughout 2007, the program was expanded to include a large majority of the state with a goal of having the program offered across the entire state. The map below provides a summary of current counties participating in the program.



24) What limitations or obstacles might other states expect to encounter if they attempt to adopt this program?

The primary limitation that the program would face in implementing the program in other states is the degree of collaboration and cooperation between the various jurisdictions and law enforcement departments at the state and local levels. South Dakota has a strong working relationships that allowed the program to develop and expand.

Another limiting factor in implementing the program in other states might be the size of the population participating in the program. South Dakota's population was relatively small initially and has expanded and increased as the program evolved. In some locations, dedicated staff and space were needed to handle the numbers of program participants, in other locations in more rural locations the numbers of individuals on the program is relatively small and the testing is managed by existing staff within existing office locations.



STATE OF SOUTH DAKOTA
M. MICHAEL ROUNDS, GOVERNOR

February 28, 2008

CSG Innovations Awards 2008
The Council of State Governments
Nancy J. Vickers, National Program Associate
2760 Research Park Drive, P.O. Box 11910
Lexington, KY 40578-1910

Dear Nancy,

I am pleased to announce South Dakota has recently submitted an application for the 2008 Innovations Awards Program in the Public Safety/Corrections area.

The South Dakota 24/7 Sobriety Program is designed to provide a mechanism to help assure South Dakota's highways are protected from chronic DUI offenders. The proposal is a multiple agency effort and includes the Attorney General's office in collaboration with the Department's of Social Services, Human Services, Corrections, Public Safety, and the Unified Judicial System.

Thank you for your time and favorable consideration of the South Dakota 24/7 Sobriety Program for the 2008 Innovations Award in the Public Health/Corrections area.

Sincerely,

A handwritten signature in black ink that reads "M. Michael Rounds".

M. Michael Rounds

A handwritten signature in black ink that reads "Jerry Hofer".

Jerry Hofer
Secretary, Department of Human Services